



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Proline Management Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF, MNDC, MNR, OPR, OPC

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord(s). Both files were to be heard together; however the tenant did not join the conference call that was scheduled for this hearing and therefore the tenant's application has been dismissed, and I dealt solely with the landlords application.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a monetary order for outstanding rent and recovery of the filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the landlord the opportunity to give oral testimony.

The landlord's testimony was taken under affirmation.

Issue(s) to be Decided

The tenant has already vacated the rental unit and therefore an Order of Possession is no longer required. Therefore the issue that was dealt with today was a request for a monetary order and a request to retain the full security deposit towards the claim.

Background and Evidence

Landlord testified that the tenant failed to pay the February 2016 rent and therefore on February 10, 2016 the tenant was personally served with a 10 day Notice to End Tenancy.

Landlord further testified that the tenant paid no further rent and did not comply with the ten-day notice, however the tenant eventually will vacated the rental unit on March 4, 2016.

The landlord further testified that they were able to re-rent the unit for March 15, 2016 however they lost the full rental revenue for the first half of March 2016.

The landlord is therefore requesting a monetary order as follows:

February 2016 rent outstanding	\$910.00
March 2016 lost rental revenue	\$455.00
Filing fee	\$100.00
Total	\$1465.00

Analysis

It is my finding that the landlord has shown that the tenant failed to pay the full February 2016 rent and also failed to pay any March 2016 rent, and subsequently vacated the rental unit on March 4, 2016.

It is my decision therefore, that I will allow the landlords claim for outstanding rent for February 2016, and I also allow the claim for lost rental revenue for the month of March 2016, as this loss was a result of the tenants failure to comply with the tenancy agreement.

It is also my decision that the tenant must bear the cost of the filing fee paid by the landlord.

Conclusion

The tenant's application has been dismissed in full without leave to reapply.

I have allowed the landlords full monetary claim of \$1465.00 and I therefore order that the landlord may retain the full security deposit of \$455.00, and pursuant to section 67 of the Residential Tenancy Act, I have issued a monetary order in the amount of \$1010.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 30, 2016

Residential Tenancy Branch